

Serial No. 10/647,540 11  
Docket No. YOR920030316US1  
(YOR.480)

### **REMARKS**

Claims 1-4, 6-13, and 15-23 are all of the claims presently pending in the application. Applicants have amended claims 10, 12, 16-18, 20, 22, and 23 to define the claimed invention more particularly.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicants specifically state that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 10-13 and 16 stand rejected under 35 U.S.C. § 101 as being directed to nonstatutory subject matter. Claims 1-4, 7-9, 12, 13, 16, 17, 20, and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek (WO 00/28467) in view of Hennessey (U.S. Patent No. 6,014,461). Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Hennessey and Sakoe (U.S. Patent No. 4,479,236). Claims 10, 11, 18, 21, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Sakoe. Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Paek in view of Sakoe and Hennessey.

Applicants respectfully traverse these rejections in the following discussion.

#### **I. THE STATUTORY SUBJECT MATTER REJECTION**

The Examiner has rejected claims 10-13 and 16 under 35 U.S.C. § 101 as reciting nonstatutory subject matter. Specifically, the Examiner alleges that the claims do not tie the method recited therein to another statutory category or transform an article to another state or

Serial No. 10/647,540 12  
Docket No. YOR920030316US1  
(YOR.480)

thing.

Applicants maintain that the method recited in claims 10-13 and 16 is statutory subject matter. Applicants, however, merely in an effort to speed prosecution, have amended claims 10-13 and 16, above, to tie the claimed method to an apparatus (i.e., a computer having a processor).

If the Examiner considers Applicants' amendments to claims 10-13 and 16 insufficient to tie the claimed method to an apparatus, then Applicants respectfully request the Examiner to suggest language, which the Examiner considers sufficient.

In view of the above, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

## **II. THE PRIOR ART REFERENCES**

### **A. The Alleged Combination of Paek and Hennessey**

The Examiner alleges that one of ordinary skill in the art would have combined Paek with Hennessey to teach the claimed invention of claims 1-4, 7-9, 12, 13, 16, 17, 20, and 23.

That is, the alleged combination of references do not teach or suggest, "*an image processing device that processes the image and recognizes a correspondence between said plurality of descriptors and said plurality of image regions, said image regions defining a second content granularity; and a descriptor propagation device that propagates said plurality of descriptors to the second content granularity that is finer than the first content granularity, and wherein the descriptor propagation device propagates the first descriptor without prior data regarding the first descriptor at the second granularity and without manual user intervention*", as recited in exemplary claim 1 and as somewhat similarly recited in

exemplary claims 4, 8, 10, 12, 16-18, and 20-23.

In the claimed invention, the system accepts a content (e.g., an image) including one or more descriptors (e.g., annotations) (e.g., see Figure 4). As illustrated in Figure 4, the descriptors are provided at a first, coarse, granularity. The content (e.g., image) includes a plurality of regions (e.g., the face, microphone, phone, etc. illustrated in Figures 3-5).

The system, without any manual user intervention and without any prior knowledge of the second, finer, granularity, propagates the descriptors to the appropriate regions of the image, which are at the second granularity (e.g., see Figure 5). The system processes/analyzes the image and the descriptors, determines a correspondence between the descriptors and the appropriate region of the image, and then propagates the descriptor to that region (e.g., the second granularity).

The applied references do not teach or suggest the above features of the claimed invention.

The Examiner alleges, “Paek discloses an image acceptance device that receives an image having a plurality of descriptors and a plurality of image regions” (see Office Action dated February 4, 2009 at page 4). In support of this allegation, the Examiner states that the image acceptance device “receives annotation from 290” (see Office Action dated February 4, 2009 at page 5). The above allegation, however, is incorrect.

That is, Paek discloses a system for describing image content in image description records. Paek receives an image, which includes image information, and extracts the image information to create image description records. The image description records include object hierarchies (Figure 1B) and entity-relation graphs (Figure 1C).

Paek, however, does not analyze a plurality of descriptors to determine their

Serial No. 10/647,540 14  
Docket No. YOR920030316US1  
(YOR.480)

corresponding regions on an image and then assign the descriptors to the corresponding regions. Instead, Paek discloses extracting information from an image and using the image to create object hierarchies (Figure 1B) and entity-relation graphs (Figure 1C).

The extracted information, however, is not annotated onto regions of the original image. Indeed, Paek does not teach or suggest assigning annotations to an image let alone teach or suggest accepting an image having annotations and assigning the annotations to regions on the image.

Indeed, Paek merely receives an image (e.g., see Paek at Figure 1a). The image received does not include descriptors (e.g., annotations).

As indicated above, the Examiner alleges that the image acceptance device “receives annotation from 290” (see Office Action dated February 4, 2009 at page 5). Reference number 290, however, does not refer to an entity from which the alleged image acceptance device receives information. Indeed, reference number 290 refers to a part of the image system (e.g., see Paek at Figure 8).

In Paek, the system receives an image, with no descriptors. During processing, the system generates descriptions, which are integrated (290) and input into a database (see Paek at page 32, lines 1-3).

Thus, Paek does not teach or suggest, “*an image acceptance device that receives an image having a plurality of descriptors and a plurality of image regions*”, as recited in exemplary claim 1 and as somewhat similarly recited in exemplary claims 4, 8, 10, 12, 16-18, and 20-23.

Furthermore, Applicants submit that the Examiner’s rejection is not clear. If the Examiner wishes to maintain this rejection, then Applicants request the Examiner to

Serial No. 10/647,540 15  
Docket No. YOR920030316US1  
(YOR.480)

specifically point out, using reference numbers, which features of the applied references are analogous to the features of the claimed invention (e.g., image acceptance device, propagator, etc.).

Furthermore, the Examiner analogizes the terms photo, person A, and person B from Figure 1b to the claimed descriptors. These alleged descriptors, however, are not included in the image.

Moreover, Applicants submit that Hennessey fails to make up the deficiencies of Paek.

Hennessey merely teaches a method of processing an image including taking a digital file from a file, converting a pixel map format of an object image in the digital file to a set of high level descriptors, and storing the descriptors with a name of the object, which a user provides (see Hennessey at column 4, lines 2-17).

Accordingly, Hennessey does not teach or suggest receiving an image having a plurality of descriptors. Indeed, Hennessey converts a pixel map format to generate descriptors.

Furthermore, Hennessey does not teach or suggest recognizing a correspondence between the plurality of descriptors and the plurality of image regions. Indeed, the system of Hennessey does not even receive an image with descriptors, let alone recognize a correspondence between the plurality of descriptors and the plurality of image regions.

Thus, Hennessey fails to make up the deficiencies of Paek.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

**B. The Alleged Combination of Paek, Hennessey, and Sakoe**

The Examiner alleges that one of ordinary skill in the art would have combined Paek with Hennessey and Sakoe to teach the claimed invention of claims 6 and 15. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, claims 6 and 15 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1-4, 7-9, 12, 13, 16, 17, 20, and 23.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

**C. The Alleged Combination of Paek and Sakoe**

The Examiner alleges that one of ordinary skill in the art would have combined Paek with Sakoe to teach the claimed invention of claims 10, 11, 18, 21, and 22. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

As in the previous Office Action, in rejecting claims 10, 11, 18, 21, and 22, the Examiner merely states, “see the rationale for claims 1 and 4.” (See Office Action dated February 4, 2009 at page 7).

As Applicants previously pointed out to the Examiner (see Amendment filed on October 28, 2008), the Examiner rejected claims 10, 11, 18, 21, and 22 based on an alleged

Serial No. 10/647,540 17  
Docket No. YOR920030316US1  
(YOR.480)

combination of Paek and Sakoe. The Examiner, however, rejected claims 1 and 4, however, on an alleged combination of Paek and Hennessey. Accordingly, the rationale for rejecting the claims cannot be the same, as the references used to reject the claims are different. Therefore, the Examiner has clearly failed to establish a *prima facie* case of obviousness at least with respect to claims 10, 11, 18, 21, and 22.

Surprisingly, the Examiner, without responding to Applicants comments, included the same error in the present Office Action. If the Examiner wishes to maintain the current rejection, then Applicants respectfully request the Examiner to clarify the vague rejection and specifically explain how the combination of Paek and Sakoe teaches each and every feature of claims 10, 11, 18, 21, and 22.

Since the Examiner based his position with respect to claims 10, 11, 18, 21, and 22 on the rationale for claims 1 and 4, Applicants submit that claims 10, 11, 18, 21, and 22 are allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1-4, 7-9, 12, 13, 16, 17, 20, and 23.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

#### **D. The Alleged Combination of Paek, Hennessey, and Sakoe**

The Examiner alleges that one of ordinary skill in the art would have combined Paek with Hennessey and Sakoe to teach the claimed invention of claim 19. Applicants submit, however, that, even if combined, the alleged combination of references would not teach or

Serial No. 10/647,540 18  
Docket No. YOR920030316US1  
(YOR.480)

suggest each and every feature of the claimed invention.

That is, claim 19 is allowable at least based on similar reasons to those set forth above, in section A, with respect to claims 1-4, 7-9, 12, 13, 16, 17, 20, and 23, and in section C, with respect to claims 10, 11, 18, 21, and 22.

Therefore, Applicants submit that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw this rejection.

### **III. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicants submit that claims 1-4, 6-13, and 15-23, all of the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. Applicants respectfully request the Examiner to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, Applicants requests the Examiner to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

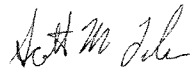


Serial No. 10/647,540 19  
Docket No. YOR920030316US1  
(YOR.480)

The undersigned authorizes the Commissioner to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: May 4, 2009



Scott M. Tulino, Esq.  
Registration No. 48,317

Sean M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
**Customer No. 48150**